

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TENNESSEE**

FUSION ELITE ALL STARS, et al.,

Plaintiffs,

v.

VARSITY BRANDS, LLC, et al.,

Defendants.

Civ. Action No. 2:20-cv-02600

JESSICA JONES, et al.,

Plaintiffs,

v.

BAIN CAPITAL PRIVATE EQUITY, et al.

Defendants.

Civ. Action No. 2:20-cv-02892

AMERICAN SPIRIT AND CHEER
ESSENTIALS, INC., et al.,

Plaintiffs,

v.

VARSITY BRANDS, LLC, et al.,

Defendants.

Civ. Action No. 2:20-cv-02782

JOINT MOTION TO MODIFY SCHEDULING ORDERS

COME NOW all Plaintiffs and all Defendants in the above-captioned cases and move this Court for an order extending the deadline to complete depositions set forth in the Amended Scheduling Orders entered in the above-captioned matters (the “Related Actions”) by one day to

April 19, 2022. Such extension shall be limited to the deposition of Sheila Noone. All other deadlines, including any other extensions previously ordered by the Court, shall remain in place.

In support of this motion, the parties state as follows:

1. The Scheduling Orders previously entered by this court provided that fact discovery and depositions currently must be completed in all Related Actions by April 18, 2022. The Scheduling Orders further provide that no requests for extensions of these deadlines will be granted absent extraordinary circumstances. (No. 20-cv-2600, Dkt. 177; No. 20-cv-2782, Dkt. 159; No. 20-cv-02892, Dkt. 175).

2. Plaintiffs issued a subpoena to take the deposition of Sheila Noone. The deposition was scheduled for April 14, 2022.

3. Early in the morning of April 14, 2022, counsel for the *Fusion Elite* Plaintiffs had a family medical emergency when one of his children was unexpectedly hospitalized.

4. In light of the unforeseen emergency circumstances, the parties agreed to suspend the deposition at the conclusion of the questioning of counsel for the *Jones* Plaintiffs, and resume the following week with questions from the *Fusion Elite* Plaintiffs.

5. The parties were unable to schedule the resumption of the deposition of Sheila Noone for Monday, April 18, 2022 but were able to schedule it to resume on Tuesday, April 19, 2022. The parties have agreed that upon the resumption of the deposition on April 19, 2022, Plaintiffs shall collectively have three and one half hours of remaining deposition time for Ms. Noone.

The parties believe that the nature of counsel's family medical emergency constitutes an extraordinary circumstance, and respectfully request that this Court grant the instant Motion and

enter the attached proposed order extending existing deadline to conclude depositions, limited to the deposition of Sheila Noone, by one day to April 19, 2022.

Dated: April 18, 2022

Respectfully submitted,

By: /s/ Benjamin A. Gastel

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 18th day of April, 2022, the foregoing was filed electronically. Notice of this filing will be sent by way of the Court's CM/ECF electronic filing system and/or via U.S. Mail, prepaid postage, to all parties indicated on the electronic filing receipt. Parties may access this filing through the Court's electronic filing system.

/s/ Benjamin A. Gastel

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